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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-70284 PVT
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING PRELIMINARY
v.)	HEARING/ARRAIGNMENT AND
)	EXCLUDING TIME FROM RULE 5.1
)	AND THE SPEEDY TRIAL ACT
KHAN QUOC TIEU,)	CALCULATION (18 U.S.C.
)	§ 3161(h)(8)(A))
Defendant.)	

This matter is scheduled before the Court for preliminary hearing or arraignment on September 4, 2008. Due the parties' on-going discussions regarding pre-charge negotiation and discovery in this case, the parties respectfully request that defendant's preliminary hearing or arraignment be continued until September 18, 2008. The parties agree, and the Court finds and holds, as follows:

1. Defendant's preliminary hearing or arraignment is continued to September 18, 2008.
2. Time is excluded under Rule 5.1 from September 4, 2008 to September 18, 2008 in order to allow defense counsel time to confer with her client and to conduct additional pre-

STIPULATION AND [PROPOSED] ORDER
CR 08-70284 PVT

1 charge investigation. The parties agree that the continuance is proper under Rule 5.1 of the
2 Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.

3 2. The time between September 4, 2008 and September 18, 2008 is excluded under
4 the Speedy Trial Act. The parties agree that the failure to grant the requested would
5 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence. The parties agree that the ends of justice served by
7 granting the requested continuance outweigh the best interest of the public and the defendant in a
8 speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A).

9 IT IS SO STIPULATED:

10 DATED: 9/3/08

/s/

ALEX PARK
Attorney for Defendant Tieu

11
12
13 DATED: 9/3/08

/s/

JOSEPH A. FAZIOLI
Assistant United States Attorney

14
15 IT IS SO ORDERED.

16 DATED: _____

RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE